

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OPERATING ENGINEERS' LOCAL 324
FRINGE BENEFIT FUNDS and TRUSTEES
OF THE OPERATING ENGINEERS'
LOCAL 324 FRINGE BENEFIT FUNDS,

Plaintiffs,

v

Case No. 16-10730

Hon. Victoria A. Roberts

HGS CONSTRUCTION RESOURCES, LLC,
individually and conducting business under the
assumed names of HGS CONSTRUCTION
GROUP and HGS CONSTRUCTION; HOMELAND
GOVERNMENT SERVICES, LLC, individually
and conducting business under the assumed names
Of HOMELAND G. SERVICES, LLC, HGS
CONSTRUCTION GROUP and HGS
CONSTRUCTION; and DARKO MARTINOVSKI,

Defendants.

ORDER ADJUDGING DARKO MARTINOVSKI IN CONTEMPT
OF COURT AND ESTABLISHING PROCEDURE FOR
ISSUANCE OF BENCH WARRANT

THIS MATTER having come on to be heard upon application of David M. Eisenberg, one of the attorneys for Plaintiffs, for order to show cause why Darko Martinovski should not be held in contempt of court for (i) his failure to appear at the law offices of Erman, Teicher, Zucker & Freedman, P.C. on June 22, 2017 pursuant to the Order for Examination of Judgment Debtors entered by this Court on May 12, 2017 [Docket No. 95] (the "Order for Judgment Debtor Examination")

and served on Darko Martinovski via personal service on May 16, 2017 as indicated in the Verified Return of Service [Docket No. 143], and (ii) for his failure to produce the requisite books, records and documents in violation of the Order, a hearing to show cause why this Court's order for contempt should be entered having been scheduled for August 15, 2017, Darko Martinovski having received notice of hearing as appears from the Certificates of Service filed with this Court [Docket Nos. 153 and 154], counsel for Plaintiffs having appeared, Darko Martinovski having failed to appear, a hearing having been conducted, the Court having considered oral argument, being otherwise fully advised in the premises and finding good cause for entry of this order,

NOW THEREFORE; for the reasons stated on the Court record:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Darko Martinovski is hereby adjudged in contempt of this Court for (i) his failure to appear at the law offices of Erman, Teicher, Zucker & Freedman, P.C. on June 22, 2017 pursuant to the Order, and (ii) for his failure to produce the requisite books, records and documents in violation of the Order,

2. Darko Martinovski may purge himself of contempt by completing all of the following:

- i. Contacting Plaintiffs' counsel, specifically David M. Eisenberg of Erman, Teicher, Zucker & Freedman, P.C. via telephone (248-827-4100) within five (5) days of service of this Order (in the manner provided in paragraph 4 below) to confirm a date and time to appear at the law offices of Erman, Teicher, Zucker & Freedman, P.C. for a judgment debtor examination;
 - ii. Appearing at the law offices of Plaintiffs' counsel, Erman, Teicher, Zucker & Freedman, P.C., 400 Galleria Officentre, Ste. 444, Southfield, Michigan 48034 on the date and time established in accordance with paragraph 2(i) above;
 - iii. Producing all of the books and records as required by the Order for Judgment Debtor Examination (entered May 12, 2017)[Docket No. 95]:
- and
- iv. Paying costs in the amount of \$585.00¹ in the form of cash or certified or cashier's check made payable to Plaintiffs, Operating Engineers' Local 324 Fringe Benefit Funds, at or before said examination.

¹ Consisting of three (3) hours of attorney fees incurred by Plaintiffs as a result of Defendant's failure to comply with the Order for Judgment Debtor Examination.

3. In the event Darko Martinovski fails to purge himself of contempt by complying with each of the provisions of paragraphs 2(i)-(iv) above, and upon the filing by Plaintiffs of an affidavit of such non-compliance, this Court shall, without further application to, or hearing before, this court, issue its bench warrant for the immediate arrest of Darko Martinovski requiring bond in the amount of \$500.00 and requiring his immediate appearance before this court.

4. A copy of this Order shall be served upon Darko Martinovski by mailing the same, via first class mail, to:

Darko Martinovski
295 Coldiron Dr.
Rochester Hills, MI 48307-3811

and service by the foregoing means shall be complete upon mailing.

DATED: August 18, 2017

S/Victoria A. Roberts
UNITED STATES DISTRICT JUDGE